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8 Attorneys for Defendant
8 NETWORK APPLIANCE, INC.,

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10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA

12 SUN MICROSYSTEMS, INC., Case No. C 07-05488 JW
13 Plaintiff,
14 v.
15 NETWORK APPLIANCE, INC.,
16 Defendant.

**STIPULATION AND [PROPOSED]
ORDER OF REASSIGNMENT TO
MAGISTRATE JUDGE ELIZABETH
LAPORTE**

STIPULATION

WHEREAS, on October 29, 2007 this action was assigned to the Honorable James Ware.

WHEREAS, Plaintiff Sun Microsystems, Inc. hereby retracts its declination to proceed before a magistrate judge filed on October 29, 2007.

WHEREAS, the parties have conferred and consent to proceed before United States Magistrate Judge Elizabeth Laporte.

WHEREAS, Magistrate Judge Laporte has agreed to conduct any and all further proceedings in this action.

Accordingly, it is hereby stipulated that, in accordance with the provisions of Title 28 U.S.C. Section 636(c), the undersigned parties voluntarily consent to have United States Magistrate Judge Elizabeth Laporte conduct any and all further proceedings in the case, including trial, and order the entry of a final judgment. Appeal from the judgment shall be taken directly to the United States Court of Appeals for the Federal Circuit.

Plaintiff Sun Microsystems, Inc. and Defendant Network Appliance, Inc. jointly request reassignment of this case to United States Magistrate Judge Elizabeth Laporte and expect other litigation between them also to be assigned to Judge Laporte.

DATED: November 27, 2007

Respectfully submitted,

WEIL, GOTSHAL & MANGES LLP

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DATED: November 27, 2007

Respectfully submitted,

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ORDER

IT IS HEREBY ORDERED that this case be reassigned to United States Magistrate Judge Elizabeth Laporte for all further proceedings in accordance with 28 U.S.C. Section 636(c), Fed. R. Civ. P. 73 and the consent of the parties.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: _____

Honorable James Ware